

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHRISTOPHER M. BATTEN,

Plaintiff,

v.

Civil Action No. 16-0997

CAROLYN W. COLVIN,
Acting Commissioner of the Social
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Omar J. Aboulhosen, entered on December 7, 2016; and the magistrate judge having recommended that the court reverse the final decision of the Commissioner, grant plaintiff's motion in Support of Judgment on the Pleadings to the extent it requests remand; and the magistrate judge having further recommended that the court deny the Commissioner's motion in Support of the Defendant's Decision, reverse the final decision of the Commissioner, remand this case for further proceedings, and dismiss this matter from the court's docket; and no objection having been filed to the Proposed Findings and Recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein;

2. Plaintiff's request for a remand be, and it hereby is, granted;

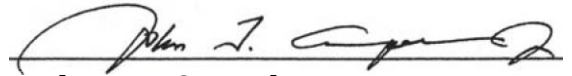
3. Defendant's request to affirm the decision of the Commissioner be, and it hereby is, denied;

4. The decision of the Commissioner be, and it hereby is, reversed;

5. This action be, and it hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings which shall include a discussion of why the finding in the RFC assessment that "work environment should not consist of fast-paced production requirements" was omitted from the hypothetical posed to the vocational expert, as well as to explain why the finding by Dr. Spaulding of plaintiff's marked limitations in his ability to interact appropriately with supervisors, whose opinion was afforded great weight, need not be included in the RFC assessment, as more fully set forth in the magistrate judge's Proposed Findings and Recommendation.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

DATED: December 30, 2016

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge